



Update

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LEGISLATIVE UPDATE

TO: HSUS Staff and Regional Directors

Introduction

The "Legislative Update" is composed of four sections. Section I outlines the progress of animal welfare-related bills through Congress. Section II presents new bills introduced into Congress since the last "Legislative Update" and is organized topically. Section III lists the same new bills by number with a cross-reference to the topical subsections of Section II. Section IV is a potpourri of short articles describing recent developments in state legislation, enforcement of federal animal welfare laws, animal welfare-related litigation and miscellaneous matters.

I. STATUS OF BILLS PENDING IN CONGRESS

This Section outlines whatever Congressional and Presidential action has been taken on bills listed in the June and October, 1975, issues of "Update" as having been introduced into Congress. Those bills which were merely referred to a Committee but which have had no further action taken on them are not included herein.

S. 811 - Sen. Tunney (D-Cal.)

(To amend the Horse Protection Act of 1970 to outlaw the practice of soring the Tennessee Walking Horse and all show horses).

Reported out of Senate Committee on Commerce	
with amendments. Senate Report 94-418 . . .	10/8/75
Passed Senate as reported	10/9/75
To House Committee on Interstate and	
Foreign Commerce	10/20/75
Hearing in House Committee on Interstate	
and Foreign Commerce	12/17/75

S. 1268 - Sen. Metcalf (D-Mont.)

(To establish Congressional policy direction for the administration and management of the National Wildlife Refuge System; to establish the National Wildlife Refuge Service; to provide authority for study, review, and establishment of additional units of the National Wildlife Refuge System.)

Hearing in Senate Committee on Commerce 9/22/75

S. 1941 - Sen. Weicker (R-Conn.)

(To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals and for other purposes. (Provides for health certification, minimum age requirements with respect to factors determined by the Secretary to be relevant to assuring the humane treatment of animals in the course of their transportation in commerce.))

Hearing in Senate Committee on Commerce 11/20/75
Reported out of Senate Committee on
Commerce with amendments. Senate
Report 94-580 12/18/75
Passed Senate as reported 12/18/75
To House Committee on Agriculture 12/19/75

S. 2070 - Sen. Dole (R-Kansas)

(To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals, and for other purposes. (Provides for health certification and minimum age requirements for animals travelling in interstate commerce, and prohibits interstate shipment of animals to be used for animal fighting ventures.))

Hearing in Senate Committee on Agriculture
and Forestry. 11/20/75

S. 2375 - Sen. Talmadge (D-Ga.)

(An original bill to extend the Federal Insecticide, Fungicide and Rodenticide Act, as amended, for three months.)

Reported out of Senate Committee on
 Agriculture. Senate Report 94-383 9/18/75
 Passed Senate as reported. 9/23/75
 To House Committee on Agriculture 9/25/75
 Discharged out of House Committee
 on Agriculture 9/30/75
 Passed House with amendments 9/30/75
 House amendments agreed to by Senate 10/2/75
 Signed by President. Public Law 94-109 . . . 10/10/75

S. 2430 - Sen. Magnuson (D-Wash.)

(To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals, and for other purposes. (Provides for health certification and minimum age requirements for animals travelling in interstate commerce, and prohibits interstate shipment of animals to be used for animal fighting ventures, etc.))

Hearing in Senate Committee on Commerce. . . . 11/20/75

S. 2873 - Sen. Huddleston (D-Ken.)

(To provide for starling and blackbird control in Kentucky and Tennessee. This bill exempts blackbird control activities undertaken on or before April 15, 1976, in Kentucky or Tennessee by the state or federal governments from the provisions of the National Environmental Policy Act (NEPA) and the Federal Environmental Pesticide Control Act (FEPCA). Among other things, the bill means that an environmental impact statement need not be prepared or circulated before any government undertakes mass extermination of blackbird roosts. This is an identical companion bill to H.R. 11510.)

Introduced and Passed Senate 1/27/76
 Vote vacated and H.R. 11510 passed in
 lieu of S. 2873. 1/27/76

H.R. 5512 - Rep. Dingell (D-Mich.)

(To amend the National Wildlife Refuge System Administration Act of 1966. (Aims at preventing the takeover of National Wildlife Refuge lands by the Bureau of Land Management, keeping such lands within the jurisdiction of the Fish and Wildlife Service.))

Reported out of House Committee on Merchant
 Marine and Fisheries with amendment.
 House Report 94-334. 6/27/75
 Passed House as reported 11/14/75
 To Senate Committee on Commerce. 11/17/75

H.R. 5523 - Rep. Leggett (D-Cal.)

(To improve the administration of fish and wildlife programs.)

Hearings in House Committee on Merchant Marine
and Fisheries 10/30/75

H.R. 6155 - Rep. Whitehurst (R-Va.)

(To amend the Horse Protection Act of 1970, to provide for criminal sanctions for any person who interferes with any person while engaged in the performance of his official duties under this Act, and to change the authorization of appropriations.)

Hearing in House Committee on Interstate
and Foreign Commerce 12/17/75

H.R. 6387 - Rep. Foley (D-Wash.)

(To extend until September 30, 1975, authority for funds to carry out the Federal Insecticide and Rodenticide Act.)

Hearing in House Committee on Agriculture . . . 5/12/75
Reported out of House Committee on Agriculture with amendments. House
Report 94-290. 6/12/75
Passed House as reported 6/17/75
To Senate Committee on Agriculture and Forestry. 6/18/75
Reported out of Senate Committee on Agriculture and Forestry. Senate Report 94-212. . 6/19/75
Passed Senate as reported. 6/24/75
Signed by President. Public Law 94-51 7/2/75

H.R. 8841 - Rep. Foley (D-Wash.)

(To extend the Federal Insecticide, Fungicide and Rodenticide Act, as amended, for 1 year.)

Reported out of House Committee on Agriculture with amendments. House Report 94-497. 9/19/75
Passed House with further amendments 10/9/75
To Senate Committee on Agriculture and Forestry. 10/20/75
Hearing in Senate Committee on Agriculture and Forestry 10/28/75

Reported out of Senate Committee on
 Agriculture and Forestry with amend-
 ments. Senate Report 94-452 11/10/75
 Passed Senate with further amendments. 11/12/75
 Conference Report submitted to House
 and Senate. House Report 94-668 11/15/75
 Conference Report agreed to by House 11/18/75
 Conference Report agreed to by Senate 11/19/75
 Signed by President. Public Law 94-140 11/28/75

H.R. 10229 - Rep. Sullivan (D-Mo.)

(To amend the Endangered Species Act of 1973, by increasing the discretionary authority of the Secretary of the Interior to grant exemptions to certain prohibitions in the Act; to grant the Secretary increased authority to require those holding such exemptions to keep more detailed records; and to strengthen the enforcement and penalty scheme.)

Reported out of the House Committee on Merchant
 Marine and Fisheries. Before Full House . . 2/17/76
 Passed House 2/18/76

H.R. 11510 - Rep. Beard (R-Tenn.)

(To provide for starling and blackbird control in Kentucky and Tennessee. This bill exempts blackbird control activities undertaken on or before April 15, 1976, in Kentucky or Tennessee by the state or federal government from the provisions of the National Environmental Policy Act (NEPA) and the Federal Environmental Pesticide Control Act (FEPCA). Among other things, the bill means that an environmental impact statement need not be prepared or circulated before any government undertakes mass extermination of blackbird roosts.)

Introduced 1/27/76
 Discharged out of House Committee on
 Merchant Marine and Fisheries. 1/27/76
 Passed House 1/27/76
 Passed Senate 1/27/76
 Signed by President. Public Law 94-207 2/4/76

(As can be seen, this bill was introduced and passed through both Houses of Congress in a single day.)

H.J.R. 32 - Rep. Bell (R-Cal.)

(To protect whales and certain other living marine sources by amending the Fishermen's Protective Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs.)

Hearing in House Committee on Merchant Marine
and Fisheries 5/13/75

H.J.R. 154 - Rep. Dingell (D-Mich.)

(To authorize the establishment of the Tule Elk National Wildlife Refuge and the establishment of a federal-state management program for the conservation, protection and enhancement of the Tule Elk and other species.)

Hearing in House Committee on Merchant Marine
and Fisheries 6/24/75

II. BILLS INTRODUCED INTO CONGRESS

This Section describes only those bills introduced into Congress since the October, 1975 "Legislative Update". Therefore, a complete roster of animal welfare-related bills introduced into the 94th Congress can be obtained only by referring to the June and October, 1975, "Legislative Update" publications in addition to the present issue.

Endangered Species

S. 2582 - Sen. Magnuson (D-Wash.)

To amend the Endangered Species Act of 1973, by increasing the discretionary authority of the Secretary of the Interior to grant exemptions to certain prohibitions in the Act; to grant the Secretary increased authority to require those holding such exemptions to keep more detailed records; and to strengthen the enforcement and penalty scheme. To the Senate Committee on Commerce.

Identical Companion Bill: H.R. 10229 -
Rep. Sullivan (D-Missouri)

H.J.R. 732 - Rep. McCloskey (R-Cal.)

Joint resolutions providing for Federal participation in preserving the Tule Elk population in California by making certain Federal lands under the jurisdiction of the Secretaries of Interior and Defense reasonably available for the preservation and grazing of Tule Elk. To the House Committee on Merchant Marine and Fisheries.

General Animal Welfare Legislation.

H.R. 10224 - Rep. Rinaldo (R-N.J.)

To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane standards in the transportation of animals by providing for health certification, minimum age requirements and time limitations; to prohibit certain animal fighting ventures. To the House Committee on Agriculture.

H.R. 10430 - Rep. Brown (D-Cal.)

To amend the Federal Meat Inspection Act for purposes of requiring that meat inspected and approved under such Act be produced only from livestock slaughtered in accordance with humane methods. To the House Committee on Agriculture.

H.R. 11112 - Rep. Koch (D-N.Y.)

This milestone piece of legislation would establish a Commission on the Humane Treatment of Animals to study a variety of problem areas in animal welfare, including farming practices, laboratory research, the domestic pet industry, zoos, wildlife preservation programs, the transportation of animals, and trapping.

The Commission would be composed of 11 members, seven of whom are to be appointed by the President, who is supposed to make sure that relevant special interest groups, including animal welfare societies, receive adequate representation on the Commission.

The bill calls for the Commission to submit a final report to the President and Congress within two years.

Identical House Bills: H.R. 11520, H.R. 11521, H.R. 11601, all by Rep. Koch (D-N.Y.)

H.R. 11440 - Rep. Whitehurst (R-Va.)

To require the Secretary of the Interior to make a comprehensive study of the grizzly bear for the purpose of developing adequate conservation measures. To the House Committee on Merchant Marine and Fisheries.

General Environmental Legislation.

S. 2555 - Sen. Haskell (D-Col.)

To establish a national rangeland rehabilitation and protective program in order to reverse the decline in productive capability of Federal Rangelands so as to provide the benefits of increased soil and watershed stability, protection of water quality, and the maintenance of present water production levels in the forage areas with its consequent rise in livestock production, enhancement of wildlife habitat, reduced flood danger, and economic stabilization of communities and individuals dependent on this land. To the Senate Committee on Interior and Insular Affairs.

H.R. 10753 - Rep. Seiberling (D-Ohio)

To prohibit the exploration for, the mining of, and the purchase of all valuable mineral deposits within any area of the National Park System. To the House Committee on Interior and Insular Affairs.

Identical House Bill: H.R. 10754 - Rep. Seiberling (D-Ohio)

Humane Organizations Generally.

S. 2932 - Sen. Muskie (D-Maine)

To amend the Internal Revenue Code of 1954 to allow tax-exempt organizations to carry on, within specified dollar amount limits, propaganda and other activities to influence legislation without losing their tax-exempt status. To the Senate Committee on Finance.

Identical House Bill: H.R. 11377 -
Rep. Brinkley (D-Ga.)

Horses and Burros.

H.R. 11571 - Rep. Sullivan (D-Missouri)

To facilitate the coordination of programs for the protection, management and control of wild free-roaming horses and burros, and other resources and for other purposes. To the House Committee on Interior and Insular Affairs and the House Committee on Merchant Marine and Fisheries.

Migratory Birds.

H.R. 11510 - Rep. Beard (R-Tenn.)

To provide for starling and blackbird control in Kentucky and Tennessee. This bill exempts blackbird control activities undertaken on or before April 15, 1976, in Kentucky or Tennessee by the state or Federal governments from the provisions of the National Environmental Policy Act (NEPA) and the Federal Environmental Pesticide Control Act (FEPCA). Among other things, the bill means that an environmental impact statement need not be prepared or circulated before any government undertakes mass extermination of blackbird roosts.

As the "Status of Bills" Section, supra, indicates, H.R. 11510 passed both Houses of Congress in a single day without public notice or hearing, which eliminated public discussion and input into the legislative process, thus making the bill, apart from its apparent substantive evils, a monument to procedural highhandedness.

Identical Companion Bill: S. 2873 -
Sen. Muddleston (D-Ken.)

Spaying and Neutering Clinics.

H.R. 10695 - Rep. St. Germaine (D-R.I.)

To provide for loans for the establishment and/or construction of municipal, low-cost, non-profit clinics for the spaying and neutering of dogs and cats. To the Committee on Interstate and Foreign Commerce.

Trapping.

H.R. 10316 - Rep. Anderson (D-Cal.)

To discourage the use of painful devices in the trapping of animals and birds by instructing the Secretary of Interior to establish criteria for traps which will either painlessly capture or instantaneously kill; to halt the interstate commerce of unapproved traps; to halt the use of unapproved traps on Federal lands; and to halt the entrance into interstate commerce of animals or animal products captured by non-approved traps. To the House Committee on Merchant Marine and Fisheries. (Identical to H.R. 66).

Identical House Bills: H.R. 10369, H.R. 10770, H.R. 10946, H.R. 11352 - all by Rep. Anderson (D-Cal.) H.R. 10652 - Rep. Fish (R-N.Y.)

Wolves.

H.R. 10554 - Rep. Whithurst (R-Va.)

To require the Secretary of Interior to make a comprehensive study of the Wolf for the purpose of developing adequate conservation measures. To the House Committee on Merchant Marine and Fisheries.

Identical House Bills: H.R. 10567, H.R. 10923, H.R. 11581, all by Rep. Whithurst (R-Va.)

H.J.R. 717 - Rep. Whithurst (R-Va.)

Joint resolution calling for an immediate moratorium on the killing of the Eastern Timber Wolf. To the House Committee on International Relations.

Identical House Bills: H.J.R. 730, H.J.R. 736 - both by Rep. Whithurst (R-Va.)

III. BILLS LISTED BY NUMBER WITH CROSS REFERENCE TO SUBJECT MATTER

S. 2555 - See "General Environmental Legislation"
S. 2582 - See "Endangered Species"
S. 2832 - See "Humane Organizations Generally"

H.R. 10224 - See "General Animal Welfare Legislation"
H.R. 10229 - See "Endangered Species"
H.R. 10316 - See "Trapping"
H.R. 10369 - See "Trapping"
H.R. 10438 - See "General Animal Welfare Legislation"

H.R. 10554 - See "Wolves"
 H.R. 10567 - See "Wolves"
 H.R. 10652 - See "Trapping"
 H.R. 10695 - See "Spaying and Neutering Clinics"
 H.R. 10753 - See "General Environmental Legislation"

 H.R. 10754 - See "General Environmental Legislation"
 H.R. 10770 - See "Trapping"
 H.R. 10923 - See "Wolves"
 H.R. 10946 - See "Trapping"
 H.R. 11112 - See "General Animal Welfare Legislation"

 H.R. 11352 - See "Trapping"
 H.R. 11377 - See "Humane Organizations Generally"
 H.R. 11440 - See "General Animal Welfare Legislation"
 H.R. 11520 - See "General Animal Welfare Legislation"
 H.R. 11521 - See "General Animal Welfare Legislation"

 H.R. 11571 - See "Horses and Burros"
 H.R. 11581 - See "Wolves"
 H.R. 11601 - See "General Animal Welfare Legislation"

 H.J.R. 717 - See "Wolves"
 H.J.R. 720 - See "Wolves"
 H.J.R. 736 - See "Wolves"
 H.J.R. 738 - See "Endangered Species"

IV. MISCELLANEOUS STATE LEGISLATION, FEDERAL REGULATIONS, COURT CASES, ETC.

Florida Greyhound Racing Appeal Case Dismissed

On January 5, 1976, the Supreme Court of Florida dismissed the appeal of a case which would have produced a definitive decision as to whether the use of live rabbits as lures in the training of greyhounds is prohibited by the State's anti-cruelty statute. (See "Update" for June and October, 1975). The dismissal was on technical grounds and not on the merits; so the Florida anti-cruelty statute is left intact. However, much doubt remains as to how useful the statute will be to prosecutors who seek to strike at the evils of greyhound racing and training (or similar commercially-oriented animal exploitation activities).

Some New Endangered Species Listings

In the Autumn of 1975, the U.S. Fish and Wildlife Service issued a final rule making listing the American crocodile (the rarest reptile in the United States), the Cedros Island mule deer, the peninsular pronghorn antelope, the Hawaii creeper, the Scioto madtorn fish, and the po'o uli as endangered species, and listing the bayou garter and the Newell's Manx shoarwater as threatened species.

The American alligator has been removed from the endangered list in three Louisiana parishes where its populations have increased markedly.

Enforcement of Animal Welfare Act

The U.S. Department of Agriculture's Animal and Plant Inspection Service (APHIS) continues with its well-publicized, however uneven, enforcement of the Federal Animal Welfare Act:

Last October a federal administrative law judge issued a cease and desist order against a Fayetteville, N.C., kennel operator charged with violating the Animal Welfare Act. J. L. Joyner, owner of the Twin Oaks Kennels, was charged by APHIS with shipping puppies in poor health without proper forms and identification. APHIS and Joyner reached an agreement, endorsed by the judge, to eliminate the violations.

In late November, APHIS for the first time denied an application for a license renewal to operate an animal dealership. In denying the application, APHIS charged that Warren Keyne, of West Point, Nebraska, had committed numerous violations under the Act while operating as a pet dealer under his first license. Keyne's alleged violations included failing to provide sick dogs with proper veterinary care, shipping dogs without required documents and identification and reselling dogs without waiting five days after purchase as required under provisions to stop trade in lost and stolen pets.

In early December, APHIS charged Mrs. J. C. Wood, a kennel owner in La Plata, Missouri, with keeping insufficient records and transporting animals in substandard crates. If she is found guilty by an administrative law judge, Mrs. Wood could have her license suspended or revoked, or be ordered to cease and desist from further violations.

In late December, APHIS suspended the license of a Sayre, Oklahoma kennel owner who was charged with shipping an Irish Setter puppy while the animal was suffering from an extreme case of hookworms and consequential anemia. W. Edward Davis, the kennel owner, responded to the charges, by agreeing to have an administrative law judge impose the 14-day suspension plus a permanent cease and desist order. APHIS and Davis agreed to this settlement in order to bypass the need for a formal hearing.

Interference with Humane Worker Brings \$1.00 Fine

A 62-year old woman was recently convicted of interfering with the duties of a humane society worker by an Arlington, Virginia court and fined \$1.00. The woman reportedly struck

and otherwise tried to block an employee of the Animal Welfare League who was attempting to remove about twenty cats from the home of a neighbor. The neighbor had apparently been under a court order to rid her house of all but three of her forty-odd cats which neighbors had complained were becoming a health hazard.

Humane Seizure Law on Trial in California

A California law that allows humane officers to seize animals that are abandoned or neglected by their owners is being challenged as unconstitutional in the state's superior court.

Nathaniel S. Colley, defense attorney for Virginia Lamb and Thomas Neveraz, filed a civil suit in Sacramento charging that his clients' rights under the Fourth Amendment to the U. S. Constitution were violated when humane officers seized their horses without a warrant.

Last April, state humane officers from the Sacramento SPCA removed 19 horses from a breeding stable operated by Ms. Lamb and Neveraz because the animals were starving and in need of veterinary care. The officers acted under section 5971 of the California Penal Code, which stipulates that it is the duty of humane officers to take custody of neglected animals and provide them with suitable care. Ms. Lamb and Neveraz were subsequently convicted on four counts of cruelty to animals and have since then appealed their convictions to an intermediate appellate court.

Philip Steward, who recently joined the ESUS headquarters staff as an investigator, testified at the cruelty trial.

The lawsuit will establish whether or not it is legal for humane officers to seize private property (the horses) without a prior hearing or warrant. Such hearings and warrants often take two to three weeks to obtain, while the animals suffer or die in the interim. A court ruling against immediate seizure could set a precedent for other states to follow.

As of February 17, 1976, Ms. Lamb and Neveraz's civil action has been postponed pending the outcome of the criminal appeal.

Sale of Monkeys Banned by HEW

The U.S. Department of Health, Education and Welfare (HEW) has banned the importation of monkeys for commercial sale into the U.S. because they threaten humans with a variety of infectious diseases. HEW issued the order last October to prohibit the importation of nonhuman primates except for bona fide scientific, educational or exhibition purposes. The order also establishes a mandatory disease surveillance and control program for monkeys imported under provisions of the regulation.

Although significant, HEW's action will reduce only slightly the massive number of exotic animals being imported into the U.S. by the pet industry. The industry continues to import many species of animals that pose a disease threat to people, domestic animals and native American wildlife. This, coupled with a high mortality rate of wild animals caught and shipped by commercial animal dealers, as well as a high euthanasia rate for animals rejected by their owners after they have been purchased, has made the traffic in imported pets a national scandal.

For the past two years, officials at the U.S. Department of the Interior have been talking about issuing regulations to limit the importation of wild animals that would be injurious to people by employing the little-used Lacey Act of 1900. HSUS has encouraged Interior to proceed with the proposal, but it now appears as though the agency has reached an impasse on the issue.

Congressional opposition has been a major reason for Interior's dilemma. Last June, Rep. Robert L. Loggett (D-Cal.), Chairman of the Subcommittee on Wildlife Conservation of the Committee on Merchant Marine and Fisheries, held a private, unrecorded meeting with pet industry representatives and subsequently rejected Interior's proposed regulations. Loggett said the regulations would be burdensome to importers and nearly impossible to discharge.

In July, Nathaniel P. Reed, assistant secretary of Interior for fish, wildlife and parks, assured Loggett that Interior would review his recommendations. But Interior has not yet submitted any new proposals to Congress.

HSUS is convinced that this issue will be ignored by Interior and Congress unless the public protests the lack of government action. HSUS urges all members and supporters to write immediately to the Department of the Interior urging the Secretary to issue the final regulations and protesting the continued sacrifice of exotic animals by the pet industry. Write to: The Hon. Thomas Kleppe, Secretary, The Department of the Interior, Washington, D.C. 20240.

Wild Horses and the Supreme Court

All briefs have been filed in the case before the U. S. Supreme Court that will decide the constitutionality of the Wild and Free-Roaming Horse and Burro Act of 1971. HSUS filed a brief as friend of the court in support of the Act. Other supporting briefs were filed by the American Horse Protection Association, the International Association of Game, Fish and Conservation Commissioners, author Hope Ryden, and the U. S. Department of Justice. Opposing the Act are the livestock and grazing agencies of the States of New Mexico, Idaho and Nevada and the Duckwater Shoshone Tribe.

The Act placed all wild horses and burros residing on Federal lands under the protection and management of the U. S. Department of the Interior in an effort to eliminate the indiscriminate slaughter and commercial exploitation of these animals.

The parties opposing the Act claim that it encroaches upon traditional notions of state control of resident wildlife and upon the very sovereignty of those Western states in which the Federal government still owns most of the land. Upholding the Act, they contend, will mean that Congress can override existing state fish and game laws at will.

The parties in favor of the Act contend that the power granted to Congress by the Constitution to "make all needful rules and regulations respecting the . . . property belonging to the United States" includes the power to manage and protect resident wildlife. MSUS, in its Brief, argued:

"The 'use' of the public lands means more than putting such lands at the disposal of local agricultural or commercial interests for purposes of grazing, mining and so forth. There are broader public uses which are well within the Congressional power both to allow and to effectuate on behalf of the American public, and among such uses is the protection and management of wild horses and burros, which, as the Senate Committee declared, 'belong to all of the American people . . . (and) are living symbols of the rugged independence and tireless energy of our pioneer heritage.'"

Far more is at stake in this suit than the welfare of wild horses and burros. If the court invalidates the Act, the states' claim to jurisdiction over resident wildlife will be bolstered and the fate of such wildlife will be in the hands of state fish and game departments. These agencies are largely dominated by pre-hunting and commercial interests, operate in a closeted political atmosphere and are usually less susceptible to points of view provided by environmental and humane groups than are the Federal authorities. Furthermore, it is far more advantageous and productive for environmental and humane groups to be able to exert influence on one central wildlife management authority in Washington than to work through 50 state authorities.

Oral arguments before the Court should take place in March or April, 1976.

Endangered Species Act - Enforcement

A bill sponsored by Rep. Leonor Sullivan (D-Mo.), H.R. 10229, would render enforcement of the Endangered Species Act more difficult, if not chaotic. The bill would exempt from the Act's provisions those inventories of parts or products of endangered species lawfully within the United States by or on December 28, 1973. The problem the bill would create for enforcement authorities lies in the difficulty of distinguishing legal from illegal inventories. The result would undoubtedly encourage smuggling of products derived from endangered species. Also, the dumping of existing inventories on the market would re-establish their use and encourage further smuggling.

The bill was reported out of the House Committee on Merchant Marine and Fisheries in early February and passed the House on February 17, 1976.

New Jersey Fish and Game Law Challenged

The New Jersey Supreme Court will hear oral arguments this winter in a two-year-old suit aimed at breaking the monopoly of hunting and fishing representatives on the State Fish and Game Council. The suit, filed by the HSUS New Jersey Branch and other environmental groups, challenges the law that requires the Governor to appoint a majority of council members from nominees provided by the New Jersey Federation of Sportsmen's Clubs. These nominees invariably favor use of public lands for hunting and fishing. Consequently, the non-hunting public, which represents a majority of the population, has little say in the use of lands belonging to all the people.

The suit contends that the constitutional rights of equal protection under the law are being denied this majority, which includes hikers, campers, photographers, bird watchers and other persons who pursue non-destructive activities on public lands. This argument proved convincing to a lower state court, which last year declared the law unconstitutional.

As of mid-February, 1976, the Court had not heard oral arguments on this case.

Refuge Deer are Not Starving

The rationale behind the Federal government's policy of allowing public hunting on national wildlife refuges was undermined by the necropsy results on the 1974 deer hunt at the Great Swamp National Wildlife Refuge in New Jersey. In December, 1974, the government opened Great Swamp to deer hunting, claiming that the hunting was necessary because the 600-deer herd was showing signs of starvation, malnutrition and disease. The 5,900-acre refuge, the government claimed, could provide enough food for only 250

deer. However, of the 120 deer killed in last year's hunt, government pathologists examined 63 and found no signs of disease or malnutrition, thus contradicting the government's contention that browse on the refuge was inadequate. The report also confirmed HSUS's long-standing position that the government policy is based essentially on political decisions and not on principles of sound wildlife management.